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(37)

9-23-02
SC

United States District Court
Middle District of Pennsylvania

David Kebe,)	
Petitioner / Appellant)	Civil No. 1:CV-00-1883
v.)	(Judge Kane) ✓
Immigration and)	
Naturalization Service,)	
Respondent / Appellee)	

FILED
HARRISBURG, PA

SEP 20 2002

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

Notice of Appeal

Notice is hereby given that David Kebe, Petitioner / Appellant, pro se, in the above mentioned action, hereby appeal to the United States Court of Appeals for the Third Circuit from the final judgment entered in this Action on September 12, 2002.

Respectfully Submitted,

Dated Sep 15 2002

Kebe David

David Kebe

#0666-02 A-208

Berks County Prison

1287 County Welfare Road

Leesport, PA 19533-9397

CERTIFICATE OF SERVICE

I certify that I served the U.S. Attorney with the foregoing, Notice
Of Appeal, by placing a true and complete copy in an envelope, post-
age prepaid, and mailing it as follows:

Mary Catherine Frye
Assistant U.S. Attorney
228 Walnut Street
Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754

Dated Sep 15, 2002

Kele David
David Kebe

I certify that this document was given to
Berk's County Prison officials, on the date below, for
forwarding to the Court. I certify that the fore-
going is true and correct. 28 U.S.C. section 1746

Dated Sep-15-2002

Kele David
David Kebe.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID KEBE,

Petitioner

v.

IMMIGRATION AND
NATURALIZATION SERVICE,
Respondent

CIVIL ACTION NO. 1:CV-00-1883

(Judge Kane)

FILED
HARRISBURG

SEP 12 2002

MARY E. D'ANDREA, CLERK
Per. 
DEPUTY CLERK

ORDER

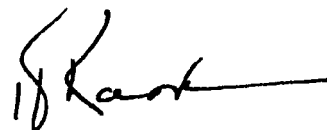
The facts in this case are well-documented in previous orders of this Court. On May 23, 2001, the Court issued an order denying Petitioner's petition for a writ of habeas corpus. Petitioner timely filed a motion for reconsideration in light of the Supreme Court holding in Zadvydas v. Davis, 533 U.S. 678 (June 28, 2001). Upon review, this Court ordered the INS to conduct a review of whether Petitioner would be removed in the foreseeable future. After conducting the review, the INS found that removal was foreseeable if Petitioner cooperates. The INS found that in light of Kebe's non-cooperation, continued detention was recommended. The review reads, in part:

Mr. Kebe has hindered his removal from the United States by refusing to give the Service accurate answers needed to obtain a travel document on his behalf from the proper government. . . . The Service routinely obtains travel documents from the majority of the nations located on the European and African continents, and it would be unlikely that the Service would be unable to remove Mr. Kebe if his true identity and nationality were truly known.

This Court finds that the government is conducting the required periodic reviews, and here reminds the INS of its continued duty to review Kebe's continued detention as required. However, there is no evidence on the record that, Kebe's detention would be indefinite if he

cooperates with the INS. The Court therefore does not find that his detention is unreasonable, or in violation of the laws or Constitution of the United States. Kebe possesses the keys to his freedom, as it is within his power to assist the INS in obtaining the paperwork necessary to effect his deportation.

AND NOW, therefore, IT IS ORDERED THAT Petitioner's motion for reconsideration (doc. 13) is **DENIED**. **IT IS FURTHER ORDERED THAT** Petitioner's motion for judgment (doc. 22) is **DENIED** as moot.



Yvette Kane
United States District Judge

Dated: 11 Sept, 2002.

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRISBURG, PA

CAPTION:

DISTRICT COURT NO. 1:00-CV-1883

DAVID KEBE

CT. OF APPEALS NO. _____

Vs

IMMIGRATION & NATURALIZATION SERVICE

NOTICE OF APPEAL FILED 9/20/02

COURT REPORTER(S) _____

FILING FEE:

NOTICE OF APPEAL ___ PAID X NOT PAID ___ SEAMAN

DOCKET FEE ___ PAID X NOT PAID ___ USA

CJA APPOINTMENT: (Attach Copy of Order)

___ PRIVATE ATTORNEY

___ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER

___ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

___ MOTION GRANTED(IN FIRST INSTANCE)

___ MOTION DENIED (IN FIRST INSTANCE)

___ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

___ GRANTED

___ DENIED

___ PENDING

COPIES TO:

Judge Yvette Kane

Mary Catherine Frye, AUSA

David Kebe, Petitioner

File Copy

PREPARED BY Shawna L. Cihak
Deputy Clerk

Date: September 23, 2002



UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

MARY E. D'ANDREA
Clerk of Court

(570) 207-5600 FAX (570) 207-5650
Internet Address: www.pamd.uscourts.gov

Divisional Offices:

Harrisburg: (717) 221-3920
Williamsport: (570) 323-6380

Office of the Clerk
United States Court of Appeals
for the Third Circuit
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790

RE: KEBE v. IMMIGRATION & NATURALIZATION SERVICE
USDC NO: 1:00-CV-1883
USCA NO:
E-mail Account: All correspondence should be sent to the e-mail account:
PAMDAPPEAL1

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

<u> X </u>	Civil Prisoner Case: Case file and docket sheet available through RACER.
<u> </u>	Non-Prisoner <i>Pro Se</i> Civil Case: Notice of Appeal and Docket Sheet available through RACER.
<u> </u>	Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and Docket Sheet available through RACER.
<u> </u>	Civil Prisoner Case: <u> </u> Supplemental Record filed. Documents and docket sheet available through RACER.
<u> </u>	Non-Prisoner Civil Case or Criminal Case: <u> </u> Supplemental Record filed. Docket Sheet available through RACER.

The Clerk's Office hereby certifies the record and the docket sheet available through RACER to be the certified list in lieu of the record and/or the certified copy of the docket entries.

Very truly yours,

s/ Shawna L. Cihak
Deputy Clerk

Date: September 23, 2002